

## Message Text

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ORIGIN L-02

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DRAFTED BY L/AF:DACOLSON/AF/E:RBRESLER:SM 7/19/74

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L/AF:MSPIEGEL

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R 200031Z JUL 74

FM SECSTATE WASHDC

TO AMEMBASSY NAIROBI

C O N F I D E N T I A L STATE 157623

LIMDIS

SUBJFCT: SAUL CASE

REF: (A) NAIROBI 5834

(B) NAIROBI 6028

1. DEPARTMENT AGREES WITH EMBASSY'S HANDLING OF SAUL CASE.

2. SUBJECT TO YOUR CONCURRENCE SUGGEST YOU SUBMIT THE  
FOLLOWING NOTE TO GOK:

FOLLOWING COMPLIMENTS QUOTE...AND REFERS TO THE EXPULSION  
FROM KENYA OF MR. JOHN M. SAUL, AN AMERICAN CITIZEN, WHO  
WAS REQUIRED TO DEPART KENYA ON SIX AND ONE-HALF HOURS  
NOTICE WITHOUT BEING GIVEN AN OPPORTUNITY TO CONCLUDE HIS  
PERSONAL BUSINESS OR ARRANGE FOR THE DISPOSITION OF  
HIS PROPERTY.

IT IS A GENERALLY ACCEPTED PRINCIPLE OF INTERNATIONAL LAW  
THAT THE INHERENT RIGHT OF EACH SOVEREIGN STATE TO EXPEL  
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AN ALIEN AT ANY TIME AND FOR ANY REASON IS LIMITED BY

CERTAIN STANDARDS OF CONDUCT. ESSENTIAL ELEMENTS OF SUCH CONDUCT ARE THAT A PERSON BE PROVIDED AN OPPORTUNITY TO PROTECT HIS PROPERTY BEFORE LEAVING THE COUNTRY AND THAT HIS GOVERNMENT RECEIVE AN EXPLANATION OF THE GROUNDS FOR THE EXPULSION. THE EMBASSY IS DEEPLY CONCERNED THAT EXPULSION OF MR. SAUL WAS NOT CONDUCTED IN ACCORDANCE WITH THESE STANDARDS. THE USG EARNESTLY HOPES THAT IN SUCH CASES THE GOK WILL COMPLY WITH THE REQUIREMENTS IMPOSED BY INTERNATIONAL LAW WHEN DEALING WITH AMERICAN CITIZENS, JUST AS THE USG AFFORDS SUCH TREATMENT TO KENYAN CITIZENS IN THE UNITED STATES.

THE USG FURTHER NOTES THAT MR. SAUL HAS ASSERTED THAT HE HAS CERTAIN INTERESTS IN SEVERAL LEGALLY REGISTERED MINING CLAIMS IN KENYA AND THAT THESE INTERESTS HAVE BEEN UNLAWFULLY TAKEN FROM HIM. THE USG EXPECTS MR. SAUL WILL BE AFFORDED AN APPROPRIATE OPPORTUNITY TO PURSUE THE LEGAL REMEDIES AVAILABLE TO HIM IN ORDER TO PROTECT THOSE INTERESTS. THE USG WOULD HOPE THAT MR. SAUL WOULD BE PERMITTED TO RETURN TO KENYA TO PROTECT HIS LEGAL RIGHTS CONCERNING THIS MATTER.

THIS MATTER IS ALSO OF PARTICULAR CONCERN IN VIEW OF THE EFFORTS THE USG HAS MADE TO ENCOURAGE AMERICAN BUSINESS AND INVESTMENT ACTIVITIES IN KENYA TO THE BENEFIT OF BOTH COUNTRIES.

THE EMBASSY LOOKS FORWARD TO FURTHER DISCUSSIONS WITH APPROPRIATE GOVERNMENT OFFICIALS ON THE SUBJECT OF MR. SAUL'S EXPULSION. END QUOTE

3. DEPT LEAVES TO YOUR DISCRETION WHETHER YOU SHOULD RAISE SAUL CASE IF YOU ARE CALLED IN ON REQUEST FOR ARMS (REFTEL B). WE ASSUME YOU WOULD AVOID LINKING IN KENYAN MIND USG RESPONSE TO ARMS REQUEST WITH GOK'S DECISION ON SAUL CASE. (FOR EXAMPLE, WE WOULD NOT WANT GOK TO THINK THAT FAVORABLE ACTION ON SAUL CASE MIGHT LEAD TO MORE FORTHCOMING RESPONSE ON OUR PART TO THEIR ARMS REQUEST.) IF YOU ARE NOT CALLED IN SOON ON ARMS QUESTION, BUT BELIEVE IT WOULD BE USEFUL TO CALL ON KENYATTA TO CONFIDENTIAL

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DISCUSS SAUL CASE, DEPT WOULD APPROVE SUCH ACTION ON YOUR PART.

4. FYI: DEPTOFF ADVISED HYMAN SAUL OF ACTION TAKEN BY EMBASSY ON BEHALF OF MILLER. SAUL EXPRESSED HIS APPRECIATION, BUT REITERATED HIS CONCERN FOR MILLER'S SAFETY. DEPTOFF ASSURED HIM THAT EMBASSY WOULD DO ALL IT COULD TO ENSURE THAT MILLER WAS NOT MISTREATED.

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## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Decaption Date:** 28 MAY 2004  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CT: SAUL CASE  
**TAGS:** BDIS, CPRS, PFOR, KE, US, (SAUL, JOHN M)  
**To:** NAIROBI  
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